

REMARKS

The Examiner has rejected claims 1, 5, 9, 15 and 16 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,373,650 to Rodriquez et al. The Examiner has further rejected claims 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Rodriquez et al. in view of U.S. Patent 6,005,597 to Barrett et al.

The Rodriquez et al. patent discloses apparatuses and methods to enable the simultaneous viewing of multiple television channels and electronic program guide content, in which a plurality of tuners are each coupled to select one of a plurality of transmission channels provided by a digital broadband delivery system, and a controller is included to control the plurality.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 includes the limitation "a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device".

The Examiner has indicated that this limitation is disclosed in Rodriquez et al. at col. 12, line 55 to col. 13, line 2.

Applicants submit that the Examiner is mistaken. In particular, the noted section of Rodriquez et al. states:

"The Window Manager can abstract the display of independent objects during an EPG presentation containing multiple scaled down video pictures and corresponding EPG program information, or picture-in-picture functionality as described elsewhere herein. Window Manager functionality includes maintenance of a user input registry so that when a user enters a key or a command via the remote device received through infrared port 128 or another input device such as a keyboard or mouse, the user input registry is accessed to determine which of various applications running on the DHCT should receive the inputted key. Therefore, the Window Manager can route data to the EPG Application, which results in the EPG Application executing accordingly. For instance, input data can cause the EPG to scroll through the channel line-up as described herein."

Applicants submit that a review of the above would indicate that Rodriquez et al. is referring to a EPG application which allows a user to scroll through the channel line-up available to the user on the system. However, there is no disclosure or suggestion that this channel line-up corresponds to the listing of programs to which the plurality of program receiving devices (plurality of tuners) are tuned, and "in which a central program in said listing corresponds to the program currently being displayed on said reproduction device".

Claim 1 further includes the limitation "a user control for incrementally selecting a next desired program to be displayed from said listing of programs,

wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing, and each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing".

The Examiner has indicated that this limitation is disclosed in Rodriquez et al. at col. 20, lines 9-22, 34-41 and 46-65; and col. 28, lines 44-52.

Applicants submit that the Examiner is mistaken. In particular, the noted sections of Rodriquez et al. state:

"The performed operations include the removal or writing over a channel's video picture and its respective EPG Data sections in Media Memory 126, repositioning the remaining channels' pictures and respective EPG Data sections in Media Memory 126 to effect a shift of the previously displayed information in the appropriate direction, and inserting the next channel's picture and respective EPG Data into the vacated sections of Media Memory 126. By performing a number of gradual removal and shifting operations of the information of the currently displayed channels from Media Memory 126 and gradually introducing the information of the new channel to be displayed, the composited presentation of the EPG achieves perceived animated scroll."

"The present invention can also unconditionally display a single EPG presentation and multiple video pictures simultaneously, with the display of the corresponding EPG information of each video picture or with each video picture, all ordered within the EPG presentation in increasing channel line-up order. Alternatively, the programs' video pictures and associated information can be displayed in decreasing order of the channel line-up order."

"It will be appreciated that the invention also offers the ability for the cable headend operator or subscriber to configure the number of television channels or other services to be displayed and their order, and to configure which channel or service is displayed as the in focus set each time that the EPG is invoked and the position of the in focus set within the EPG presentation. Different embodiments of the display order may be by channel, by program theme or category, by program title, by subscriber favorite channels, by purchasable programming, or by other well known formats. Furthermore, sets of scaled down video pictures with EPG information can be configured to be displayed in order from top to bottom, bottom to top, left to right, right to left, clockwise, or counterclockwise within the displayed EPG presentation. Also configurable by cable operator at head end or by subscriber is the scrolling direction of sets of scaled down video pictures with EPG information. Selections include from top to bottom, bottom to top, left to right, right to left, clockwise, or counterclockwise within the displayed EPG presentation."

"The surrounding scaled down video pictures, all either with or without their respective EPG information, are additional sets of scaled down video pictures arranged in the configured order. Order can be increasing or decreasing channel line-up order, either clockwise or counterclockwise as configured. Upon subscriber effecting navigation through the channel line up, each scrolling event results in the removal of a presented set from the screen and the introduction of a new set."

From the above, it should be clear that while the EPG application of Rodriguez et al. enables virtual up/down scrolling, there is no disclosure or suggestion of the invention as particularly claimed in claim 1, i.e., "a user control for incrementally selecting a next desired program to be displayed from said listing of programs, wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing, and each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing". It should be understood that this limitation is related to the previously mentioned limitation, i.e., "a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device".

The Barrett et al. patent discloses a method and apparatus for program selection, in which the program signals from a plurality of receivers are previewed in a main display window and a number of sub-windows, the user of the apparatus selecting the program to be watched from the displayed previews, in which a list of programs is generated from the plurality of programs based on viewing preferences of a user.

However, Applicants submit that Barrett et al. does not supply that which is missing from Rodriguez et al., i.e., "a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device" and "a user control for incrementally selecting a next desired program to be displayed from said listing of programs, wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing, and each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said

listing to tune to the next lower program of said plurality of programs to be included in said listing".

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1, 5, 9, 15, 16, 21 and 22, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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